

yesterday. Would you please welcome them to the Legislature. Thank you. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I would rise in opposition to Senator Hoagland's amendment. Both he and Senator Johnson explained very eloquently what they want to do and I can agree that they have a point. But I would suggest and I have had a number of bills that have been declared unconstitutional over the years and that is not right, Senator Johnson, most of them have escaped. But in any case, the court is very capable of segregating out anything which they feel is unconstitutional and allowing the rest of the statute to stand. Now it is true as Senator Johnson has pointed out that if the statutes are so interwoven that you cannot separate a part of it without seriously damaging the intent of the balance of the statute, then they will strike the entire statute and that has happened to me also. So I have had a little experience in that. But in this instance, in this instance Senator Goodrich and I feel that we have drafted the bill in such a manner that in the event there should be a problem and we do not believe there will be, that the entire act will stand. I want to emphasize again what Senator Goodrich says, we in no way agree that the bill is unconstitutional. We certainly would not be supporting it for passage if we thought so. We think it is an important bill. We think it is a well researched bill. We believe it is an important bill for the major business in Omaha and I guess I would hope that the majority of you would support the bill and oppose Senator Hoagland's amendment no matter how well intentioned it might be.

SPEAKER NICHOL: Senator Hoagland, did you wish to close?

SENATOR HOAGLAND: Mr. Speaker and colleagues, I would ask you all if you have a question about how to vote on this, to take a look at the Journal page 2392. Now there in the Journal is printed the third opinion that Paul Douglas and his office have written on this particular law, this particular proposal. Now there have been a couple of minor amendments since that third opinion was written. An opinion was written on the bill as introduced and then after the first set of Goodrich amendments and then after the second set of Goodrich amendments, and there have been a couple of refining amendments since. But if you read the opinion on 2392, you will see that it is clear that there is nothing really we can do for this bill in order to save its constitutionality for two reasons. First there is the commerce clause problem Senator Goodrich has referred to. We are